

REMARKS

Due to the length of the specification herein, Applicants will cite to the paragraph or page number, as appropriate, of the published patent application (PG Pub) of the present application, i.e., US 2006/0233984, when discussing the application description, rather than to page and line of the specification as filed.

Applicants thank the Examiner and the Examiner's supervisor for the courtesy extended to Applicants' attorney during the interview held May 2, 2007, in the above-identified application. During the interview, Applicants' attorney explained the presently-claimed invention and why it is patentable over the applied prior art, and discussed other issues raised in the Office Action. The discussion is summarized and expanded upon below.

The rejections under 35 U.S.C. § 103(a) of:

Claims 1-20, 22-23 and 28-29 as unpatentable over US 6,841,261 (Matsui et al) in view of US 5,658,625 (Bradfute et al); and

Claim 21 as unpatentable over Matsui et al in view of Bradfute et al and US 6,184,289 (Teranishi et al),

are respectfully traversed.

During the above-referenced interview, Applicants' attorney demonstrated to the Examiner that various findings with regard to the disclosure in Matsui et al are not supported at the particular column and line referenced by the Examiner, and many are not supported at all in Matsui et al. For example, sole independent Claim 1 herein requires a heat shrinkage ratio at 80°C for 10 seconds of at least 20%. Matsui et al discloses **no** heat shrinkage ratio, let alone for the above-stated temperature and time. As Applicants' attorney explained to the Examiner, heat shrinkage ratio is different from heat shrinkage factor, disclosed by Matsui et al. Applicants' attorney further explained that component (A) of sole independent Claim 1, which is a block copolymer comprising an aromatic vinyl compound and a conjugated diene,

is required to have a micro phase separation structure comprising a soft phase and a hard phase. In the previous response, Applicants pointed out that the passage in Matsui et al relied on by the Examiner to meet this limitation, i.e., at column 5, lines 35-43, is with regard to component (B3) of Matsui et al, i.e., a vinyl aromatic hydrocarbon polymer which is different from, and not suggestive of, presently-recited component (A). In the present Office Action, in response to Applicants' arguments, the Examiner, at paragraph 6, finds that "Applicant appears to have misread the Office Action as the Examiner does not rely on said passage. The Examiner relies on the passage for teaching the soft and hard phases as evidenced by the rubber-like elastic body and disperse phase. Applicant has not precisely addressed the cited teaching of [Matsui et al] as stated in the Office Action."

In reply, and as Applicants' attorney noted during the interview, the Examiner **did** rely on this passage, and erroneously relies on it again in the Office Action, at page 3, lines 1-2. To summarize, Matsui et al neither discloses nor suggests that their block copolymer (A), which is analogous to the presently-recited block copolymer (A), have a micro phase separation structure comprising a soft phase and a hard phase.

With regard to a number of the dependent claims, such as Claim 5, while the particular limitation in such claims is not disclosed by Matsui et al, the Examiner still finds that it would have been obvious since, according to the Examiner, Matsui et al discloses "a functionally equivalent film."

In reply, and as Applicants' attorney noted during the interview, the above-quoted term is essentially meaningless where the rejection is not one of anticipation. In other words, simply because Applicants are claiming a heat shrinkable film, and Matsui et al discloses a heat shrinkable film, does not necessarily mean that they have the same properties in common. The Examiner has no reason to conclude that they do.

Applicants' attorney also pointed out that the specification contains comparative data, demonstrating patentability of the presently-claimed invention, and that it was error for the Examiner to ignore this evidence.

Recognizing that Matsui et al does not disclose the presence of a styrene-type polymer having a syndiotactic (syndiotactic) structure in their heat shrinkable film, the Examiner relies on Bradfute et al. But Bradfute et al does not remedy any of the above-discussed deficiencies of Matsui et al.

Bradfute et al discloses film and sheet materials comprising one or more layers of a thermoplastic, homogeneous alpha-olefin/vinyl aromatic copolymer, preferably an ethylene/styrene copolymer (Abstract), which copolymer may be blended with another thermoplastic homopolymer or copolymer (column 17, line 3ff), among which are atactic or syndiotactic polystyrene, which Bradfute et al discloses results in improved impact resistance and reduced flex cracks (caused by brittleness) (column 17, lines 35-37).

As Applicants' attorney noted during the interview, an olefin/vinyl aromatic copolymer, such as ethylene/styrene copolymer, is different from the block copolymer (A) comprising a vinyl aromatic hydrocarbon and a conjugated diene of Matsui et al, and would be expected to have different properties. Thus, without the present disclosure as a guide, one skilled in the art would never have combined Matsui et al and Bradfute et al.

The Examiner relies on Teranishi et al for its disclosure of a rubber-modified polystyrene, wherein a particulate rubber polymer is dispersed in a matrix. Without the present disclosure as a guide, it is not clear why one skilled in the art would combine Teranishi et al with Matsui et al and Bradfute et al. However, even if combined, the result would still not be the presently-claimed invention, because Teranishi et al does not remedy the above-discussed deficiencies in the combination of Matsui et al and Bradfute et al.

As reflected in the Interview Summary corresponding to the above-referenced interview, the Examiner concedes that, in effect, the present claims are patentable over the applied prior art.

For all the above reasons, it is respectfully requested that the rejections over prior art be withdrawn.

As Applicants' attorney noted during the interview, it was improper for the Examiner to line-out the references listed as AJ through AU on the Form PTO-1449 submitted with the Information Disclosure Statement (IDS) filed April 6, 2005, which was resubmitted in the response filed February 22, 2007, which the Examiner, again, improperly lined-out. As Applicants' attorney noted, the Statement of Relevancy which was filed with the IDS, stated that references AI-AP were cited in the International Search Report. During the interview, the Examiner acknowledged that the International Search Report categorized the references using letter designations. The remaining prior art cited in the IDS, i.e., references AQ-AU are discussed in the specification. Thus, as Applicants' attorney pointed out, the submission of the references in the IDS complied with M.P.E.P. § 609.03 and § 609.04(a), and that the references, even though they are in a foreign language, must be considered. It is **not** a requirement of the Office that Applicants "precisely point out what portions of the foreign references are relevant," contrary to the requirement imposed by the Examiner.

Accordingly, **enclosed herewith** is another copy of said Form PTO 1449. The Examiner is respectfully requested to initial the Form, and include a copy thereof with the next Office communication.

Moreover, since the date of the IDS is before the date of the Office Action and thus technically was part of the Official file as of the Office Action date, Applicants respectfully request that should the Examiner determine that a new ground of rejection needs to be made in the next Office Action relying in whole or in part on any of the references cited in the IDS,

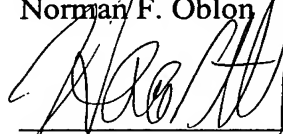
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then said next Office Action not be made Final, even if the new rejection was necessitated by the present amendment to the claims.

All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



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Harris A. Pitlick  
Registration No. 38,779

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 03/06)

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